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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

In the matter of

JOSEPH MICHAEL GUESS, SR.
2911 E. Calavar Road
Phoenix, Arizona 85032

PROGRESSIVE FINANCIAL MANAGEMENT
2911 E. Calavar Road
Phoenix, Arizona 85032

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RICHARD GORDON DAVIS
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Phoenix, Arizona 85016

RGD
4330 North 30TH Street
Phoenix, Arizona 85016

RGD ENTERPRISES, INC.
4330 North 30TH Street
Phoenix, Arizona 85016

IRA JOE PATTERSON
4330 North 30th Street
Phoenix, Arizona 85016

RANDALL WAYNE SMITH, JR.
1905 Springlake Court
Birmingham, Alabama 35215

BALLY OVERSEAS TRADING INC.
1905 Springlake Court
Birmingham, Alabama 35215,

Respondents.

DOCKET NO. S-03280A-00-0000

**MOTION TO EXTEND THE
DEADLINE FOR FILING OF
EXCEPTIONS**

Arizona Corporation Commission
DOCKETED

JUL 12 2001

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DOCKETED~~

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The Administrative Law Judge ("ALJ") in this matter docketed a recommended decision with the Commission on June 13, 2001. In accord with A.A.C. R14-3-110(B), the transmittal letter accompanying service of the recommended decision specified that any exceptions must be filed no later than June 23, 2001. On June 22, 2001, the Division docketed a Motion to Extend the Deadline for Filing of Exceptions based in part on the removal of the recommended decision from the Open Meeting agenda of the Commissioners scheduled for June 26-27, 2001. On July 3, 2001, the ALJ docketed a Ninth Procedural Order that granted the Division motion and extended the exceptions deadline until July 20, 2001 in the expectation that the recommended decision would be on the agenda for the Open Meeting scheduled for July 24-25, 2001.

The Division is advised that the recommended decision will be on the agenda for the Commission's Open Meeting scheduled for August 7-8, 2001, not the June 26-27th Open Meeting. Moreover, the undersigned counsel will be unavailable the week of July 16th-20th and the Division requires additional time to address the effect on the recommended decision of the pending bankruptcy proceedings of Respondent James Douglas Sherriffs ("Sherriffs"). The Division intends to file exceptions that will address the effect of the Sherriffs bankruptcy on the recommended decision. Since the recommended decision will not be considered by the Commission until its August 7-8th Open Meeting, the July 20th deadline for the filing of

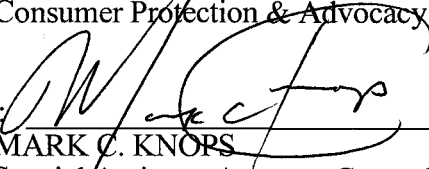
1 exceptions should be tolled until August 3, 2001. In this regard, A.A.C. R14-3-101(B) allows the
2 ALJ for good cause to waive application of the time limit prescribed by A.A.C. R14-3-110(B) for
3 the filing of exceptions.

4 **III.**
5 **CONCLUSION**

6 For the foregoing reasons, the Division now moves to extend the deadline for the filing of
7 exceptions to the recommended decision until August 3, 2001. The Division further requests the
8 Hearing Division to issue a timely procedural order ruling on this motion.

9
10 RESPECTFULLY SUBMITTED this 12th day of July, 2001.

11
12 JANET NAPOLITANO
13 Attorney General
Consumer Protection & Advocacy Section

14 BY: 
15 MARK C. KNOPS
16 Special Assistant Attorney General
17 MOIRA McCARTHY
Assistant Attorney General
Attorneys for the Securities Division
Arizona Corporation Commission

1 ORIGINAL AND TEN (10) COPIES of the foregoing
2 filed this 12 day of July, 2001, with:

3 Docket Control
4 Arizona Corporation Commission
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7 COPY of the foregoing mailed this
8 12 day of July, 2001 to:

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